

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TRAVIS KURTH,)	CASE NO. 8:22-cv-144
)	
Plaintiff,)	
)	
v.)	NOTICE OF REMOVAL
)	
STATE FARM MUTUAL AUTOMOBILE)	DEMAND FOR JURY TRIAL
INSURANCE COMPANY,)	
)	
Defendant.)	

COMES NOW the Defendant, State Farm Mutual Automobile Insurance Company ("State Farm"), by and through its counsel, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes this lawsuit from the District Court of Douglas County, Nebraska to the United States District Court for the District of Nebraska. In support thereof, State Farm states as follows:

On March 14, 2022, the Plaintiff, Travis Kurth, filed a Complaint against the Defendant, State Farm Mutual Automobile Insurance Company. A true and correct copy of the Complaint is attached hereto as Exhibit "1."

On March 16, 2022, the Plaintiff effected service of the Complaint upon State Farm.

The Plaintiff's Complaint alleges a claim under the underinsured motorist coverage of a policy of automobile insurance issued by State Farm to Plaintiff. The Complaint further asserts a claim against State Farm for bad faith (Complaint ¶¶ 11-16). The Complaint makes a claim for attorney fees (Complaint ¶ 10 and

Complaint prayer). In the prayer of the Complaint, Plaintiff also seeks judgment for general and special damages, and costs of this action (Complaint prayer).

The Plaintiff is a resident of Omaha, Douglas County, Nebraska (Complaint ¶ 1).

State Farm is a mutual insurance company organized under the laws of the State of Illinois with its principal place of business located in Bloomington, Illinois (Declaration of Michael Roper attached as Exhibit "2").

Prior to suit being filed, settlement negotiations occurred between Plaintiff and State Farm regarding Plaintiff's underinsured motorist claim. The difference between Plaintiff's lowest demand and State Farm's highest offer is \$100,000.00. (Declaration of Anthony Baker, attached as Exhibit "3").

Removal to the United States District Court for the District of Nebraska is proper because there is complete diversity of citizenship between the parties to this lawsuit and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. 28 U.S.C. §§ 1332, 1441, and 1446.

This Notice of Removal is timely filed in accordance with 28 U.S.C. §1446 and Federal Rule of Civil Procedure 6. A true copy of this Notice of Removal is concurrently being filed with the Clerk of the District Court of Douglas County, Nebraska, as required by 28 U.S.C. §1446(d).

State Farm requests a trial by jury on all matters raised in the above-captioned lawsuit and prays that the Court holds such jury trial in the United States District Court located in Omaha, Nebraska.

The Complaint is attached as Exhibit "1." Copies of all other process, pleadings, and orders filed in the District Court of Douglas County, Nebraska are attached as Exhibit "4." There are no matters pending in the state court action requiring resolution.

WHEREFORE, State Farm requests removal of the above-captioned lawsuit from the District Court of Douglas County, Nebraska to the United States District Court for the District of Nebraska and that a jury trial be held in the United States District Court located in Omaha, Nebraska.

DATED this 15th day of April, 2022.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, Defendant,

BY: /s/ David C. Mullin

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